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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/519453
Applicant : Funt et al.
Filing date : December 29, 2004
Title : A Valve for Closing a Container, Container and a System and Method for Filling a Container
TC/A.U. : 3753
Examiner : Douglas
Docket No. : 5554
Customer No. : 26936

I certify (37 CFR 1.8) that this correspondence is being transmitted on October 16, 2006 by facsimile to the Patent and Trademark Office at 571.273.8300.

Charles W. Fallow

Commissioner for Patents
P.O. Box 1450
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ELECTION

Sir:

Subject to a traverse of the Restriction Requirement dated September 19, Applicant hereby provisionally elects to prosecute the invention identified by the examiner as Group II, namely claims , without prejudice to the filing of a divisional application directed to the nonelected claims.

Claims 1 - 3, 6 - 9, 11 - 14 and 16 - 23 read on the provisionally elected species.

The restriction requirement is traversed because the species identified by the examiner form a single general inventive concept.

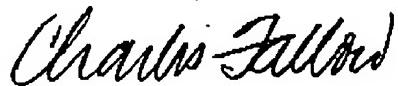
For example, in all species, the valve member is maintained in the open position on if a static pressure difference is below a pre-determinable threshold.

Particularly species II - IV have valves with force generating means formed by a spring, and species III and IV have valves with force generating means formed by an

internal part operatively connectable to an external part.

The examiner has not explain why each species lacks unity with respect to the other species.

Respectfully submitted,



Charles W. Fallow
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